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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/275,887 03/25/99 OFFUTT

J 07099.0980

EXAMINER

TM02/1029

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ART UNIT 2166, PAPER NUMBER

DATE MAILED: 2166

10/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Advisory Action**

Application No.

09/275,887

Applicant(s)

OFFUTT ET AL.

Examiner

Sam Rimell

Art Unit

2166

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 October 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached Remarks.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

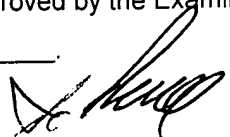
Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-8, 10-19, 21-30, 32-43

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
Sam Rimell  
Primary Examiner  
Art Unit: 2166

Remarks Attached to Advisory Action

Applicants arguments are primarily directed to the issues related to claims 1, 2, 10 and 11. Arguments pertaining to other claims are essentially repeated from these basic arguments. Accordingly, the arguments related to claims 1, 2, 10 and 11 will be addressed in detail.

Claim 1: Applicant's arguments related to claim 1 pertain to the question of whether a user performs the steps set forth in claim 1. Examiner agrees that claim 1 is sufficiently clear in its recitation that a processor performs the steps recited in claim 1. However, even if a processor performs all the recited steps recited in claim 1, none of these steps distinguish from the Ahlstrom et al. reference. Claim 1 calls for five steps, ranging from the receipt of data to the generation of an output report, all of which would reasonably be performed by a computer processor. However, these exact same steps occur in Ahlstrom et al. In the Ahlstrom et al. reference, the remote computer receives the request containing the origination and destination cities as well as the travel policies and performs all of the analysis recited in claim 1, resulting in a generated output report. Ahlstrom et al. does not suggest human user intervention in performing any of the recited steps of claim 1, so this reference must fully anticipate claim 1.

Claim 2: Applicant argues that Ahlstrom et al. does not teach the development of alternative travel itineraries and the difference of these alternative itineraries to the original requested itinerary. This argument is incorrect. Column 10, lines 18-27 of Ahlstrom et al. clearly teaches the concept of displaying alternative itineraries and various differences between those itineraries, such as the cities encompassed by those itineraries and the relative value score for each itinerary and alternative itinerary.

Claim 10: Claim 10 includes the basic features of claim 1 but further recites the analysis of pre-negotiated travel packages in producing the final output of information. Applicant argues that Delorme et al. recites generic brochures that are not associated with any specific types of negotiations. While it is true that one of the items Delorme et al. teaches is the usage of brochures, it also specifically teaches the usage “discount offers”, which are pre-negotiated packages by their very definition. The recitation of “attractions, events and seasonal activities” are also broad enough in scope to encompass pre-negotiated travel packages.

Claim 11: Claim 11 includes the features of claim 1, but further recites the submission of a “price to beat” request from the user. Applicant argues that Walker et al. only teaches a checking step to see if airlines match specification associated with a flight requested by a user. This argument is incorrect. Walker et al. explicitly teaches the presence of a bidding arrangement where a user is allowed to bid on a specified flight (col 6., lines 45-51). A bid on an item of value is by definition a “price to beat” since the price can be beaten by other bidders. Examiner does not agree that Walker et al. lacks this feature.